

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

NIPPON SHINYAKU CO., LTD.,  
Plaintiff,

v.

SAREPTA THERAPEUTICS, INC.,  
Defendant.

SAREPTA THERAPEUTICS, INC. and THE UNIVERSITY OF  
WESTERN AUSTRALIA,  
Defendant/Counter-Plaintiffs,

v.

NIPPON SHINYAKU CO., LTD. and NS PHARMA, INC.,  
Plaintiff/Counter-Defendants.

EXHIBIT AND WITNESS LIST

JURY TRIAL

Case Number: 21-cv-01015 (JLH)

<b>PRESIDING JUDGE:</b> Judge Jennifer L. Hall	<b>PLAINTIFF'S COUNSEL</b> Amy M. Dudash	<b>COURT REPORTER</b> Bonnie Archer (Jury Selection) Jennifer Guy (Mon/Tues) Kim Bursner (Thurs) Brian Gaffigan (Wed)
<b>TRIAL DATE(S)</b> December 16, 2024-December 20, 2024	<b>DEFENDANT'S COUNSEL</b> Jack B. Blumenfeld Rodger D. Smith II Megan E. Dellinger	<b>COURTROOM DEPUTY</b> Tyler Koehler

JTX NO.	PTX NO.	DTX NO.	DATE OFFERED	OBJECTIONS	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
JTX 0002					12/16/2024	Certified Copy of Nippon Shinyaku Co., Ltd. Patent (U.S. Patent 10,385,092)  [Date: 08/20/2019; Beginning Bates: NS00000067; End Bates: NS00000134]
JTX 0008					12/17/2024	Certified Copy of U.S. Patent Application No. 14/615,504 ('361 file history)  [Date: 02/06/2015; Beginning Bates: NS00000477; End Bates: NS00000826]
JTX 0015					12/16/2024	Certified Copy of University of Western Australia Patent (U.S. Patent 9,994,851)  [Date: 06/12/2018; Beginning Bates: SRPT-VYDS-0002641; End Bates: SRPT-VYDS-0002756]
JTX 0018					12/17/2024	Certified Copy of File History for University of Western Australia Patent Application (App. No. 15-705,172 - U.S. Patent 9,994,851)  [Date: 09/14/2017; Beginning Bates: SRPT-VYDS-0002984; End Bates: SRPT-VYDS-0005241]

**EXHIBIT AND WITNESS LIST – CONTINUATION**

JTX NO.	PTX NO.	DTX NO.	DATE OFFERED	OBJECTIONS	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
	PTX 0006				12/17/2024	Email forwarded by Steve Wilton to Sue Fletcher and Abbie Adams with "exon 53 paper", December 23, 2008  [Date: 12/23/2008; Beginning Bates: WILTON0017692; End Bates: WILTON0017695]
	PTX 0031				12/18/2024	"Declaration of Fred Schnell, Under 37 § C.F.R. 1.132," Application No. 14/776,533, December 11, 2018  [Date: 12/11/2018; Beginning Bates: NONE; End Bates: NONE]
	PTX 0128				12/18/2024	"CERI, Study Number 936-21-M-0643, Final Report, The assessment of exon skipping activities by 2'OMe-S-RNA in myotube using Lipofectin as a transfection reagent." Study completion date: May 17, 2023  [Date: 05/17/2023; Beginning Bates: NS00102924; End Bates: NS00102987]
	PTX 0129				12/17/2024	"CERI, Study Number 936-21-M-0644, Final Report, The assessment of exon skipping activities by PMO in myotube using Endo-Porter DMSO as a transfection reagent." Study completion date: May 17, 2023  [Date: 05/17/2023; Beginning Bates: NS00102988; End Bates: NS00103060]
	PTX 0130				12/17/2024	"CERI, Study Number 936-22-M-0661, Final Report, The assessment of exon skipping activities by PMO in myotube using Endo-Porter DMSO as a transfection reagent." Study completion date: May 17, 2023  [Date: 05/17/2023; Beginning Bates: NS00103061; End Bates: NS00103110]
	PTX 0157				12/16/2024	PL Harding et al., "The Influence of Antisense Oligonucleotide Length on Dystrophin Exon Skipping," 15:1 Molecular Therapy 157-166 (Jan. 2007)  [Date: 08/24/2006; Beginning Bates: WILTON0015237; End Bates: WILTON0015246]
	PTX 0165				12/16/2024	Highlights of Prescribing Information for Viletpso (viltolarsen injection) for intravenous use, revised 8/2020, dated 08/12/2020  [Date: 08/12/2020; Beginning Bates: NS00035358; End Bates: NS00035369]
	PTX 0251				12/16/2024	Paula R. Clemens, MD et al., "Safety, Tolerability, and Efficacy of Viltolarsen in Boys with Duchenne Muscular Dystrophy Amenable to Exon 53 Skipping," JAMA Neurology E1-E10 (May 26, 2020)  [Date: 05/26/2020; Beginning Bates: NS00035339; End Bates: NS00035348]

JTX NO.	PTX NO.	DTX NO.	DATE OFFERED	OBJECTIONS	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
	PTX 0254				12/16/2024	Japanese Application Number JP2010-196032, Watanabe et al., "Antisense nucleic acid," Date of Application: September 1, 2010 (Japanese)  [Date: 09/01/2010; Beginning Bates: NONE; End Bates: NONE]
	PTX 0256				12/17/2024	Handwritten Journal, "NDK-B1, Development of Therapeutic Agent for Muscular Dystrophy, Yohei Sato, 2009.5" cover, index, and journal pages 1-98 (Japanese followed by English translation)  [Date: 05/01/2009; Beginning Bates: NS00059735; End Bates: NS00059976]
	PTX 0259				12/18/2024	Development of muscular dystrophy therapeutics (biological system) document (Japanese) (metadata date created 1/27/2010, date modified 1/28/2010)  [Date: 01/28/2010; Beginning Bates: NS00063643; End Bates: NS00063654]
	PTX 0260				12/18/2024	Development of muscular dystrophy therapeutics (biological system) document (certified English translation) (metadata date created 1/27/2010, date modified 1/28/2010)  [Date: 01/28/2010; Beginning Bates: NS00063643; End Bates: NS00063654]
	PTX 0291				12/18/2024	"Exclusive License Agreement," between The University of Western Australia and AVI BioPharma, Inc., entered into on November 24, 2008  [Date: 11/24/2008; Beginning Bates: UWA0000015; End Bates: UWA0000046]
	PTX 0319				12/16/2024	"NS Pharma Speaker Training Meeting, July 14, 2021 6:30 PM - 8:30 PM ET" presentation deck  [Date: 07/14/2021; Beginning Bates: NS00059145; End Bates: NS00059230]
	PTX 0342				12/17/2024	National Center of Neurology and Psychiatry and Nippon Shinyaku Co., Ltd. Joint research Agreement, from August 27, 2009 to March 31, 2010, dated August 27, 2009 (certified English translation)  [Date: 08/27/2009; Beginning Bates: NS00036935; End Bates: NS00036947]
	PTX 0348				12/16/2024	"Viltepso supply chain" chart (Japanese) (metadata date created 11/26/2021, date modified 11/26/2021)  [Date: 11/26/2021; Beginning Bates: NS00073427; End Bates: NS00073427]

**EXHIBIT AND WITNESS LIST – CONTINUATION**

JTX NO.	PTX NO.	DTX NO.	DATE OFFERED	OBJECTIONS	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
	PTX 0349				12/16/2024	"Viltepso supply chain" chart (certified English translation) (metadata date created 11/26/2021, date modified 11/26/2021)  [Date: 11/26/2021; Beginning Bates: NS00073427; End Bates: NS00073427]
	PTX 0355				12/17/2024	"Material 4, Materials for 52nd Work Invention Examination Committee, October 15, 2019" document, Title of Invention, "Antisense Nucleic Acid Capable of Inducing exon 53 Skipping" (Japanese followed by English translation)  [Date: 10/15/2009; Beginning Bates: NS00073536; NS00091091; End Bates: NS00073542; NS00091105]
	PTX 0358				12/17/2024	National Center of Neurology and Psychiatry and Nippon Shinyaku Co., Ltd., "Patent Joint Application Agreement," dated August 4, 2010 (Japanese followed by English Translation)  [Date: 08/04/2010; Beginning Bates: NS00036957; End Bates: NS00036965]
	PTX 0374				12/17/2024	"License and Supply Agreement," between Nippon Shinyaku Co., Ltd., and NS Pharma, Inc., entered into April 1, 2020 (Japanese)  [Date: 04/01/2020; Beginning Bates: NS00036893; End Bates: NS00036908]
	PTX 0375				12/17/2024	"Memorandum of Understanding," between Nippon Shinyaku Co., Ltd., and NS Pharma, Inc., entered into April 1, 2021, "Signed for Nippon Shinyaku Co., Ltd.," by Toru Nakai (English)  [Date: 04/01/2021; Beginning Bates: NS00036966; End Bates: NS00036967]
	PTX 0377				12/17/2024	NS Pharma, Inc., "Final Royalty Rate of Viltepso for Calendar Year 2021," to Mr. Yoshihiko Makita, dated January 31, 2022 (English)  [Date: 01/31/2022; Beginning Bates: NS00036968; End Bates: NS00036968]
	PTX 0379				12/17/2024	NS Pharma, Inc., "Final Royalty Rate of Viltepso for Calendar Year 2022" to Mr. Yoshihiko Makita, dated January 30, 2023 (English)  [Date: 01/30/2023; Beginning Bates: NS00091311; End Bates: NS00091311]
	PTX 0380				12/17/2024	"Memorandum of Understanding," between Nippon Shinyaku Co., Ltd., and NS Pharma, Inc., entered into April 1, 2023, "Signed for Nippon Shinyaku Co., Ltd.," by Yoshihiko Makita (English)  [Date: 04/01/2023; Beginning Bates: NS00091314; End Bates: NS00091315]

JTX NO.	PTX NO.	DTX NO.	DATE OFFERED	OBJECTIONS	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
	PTX 0381				12/17/2024	"Memorandum of the Pursuit of Litigation for Co-owned Patents," dated November 26, 2020 (Japanese followed by certified English translation)  [Date: 11/26/2020; Beginning Bates: NONE; End Bates: NONE]
	PTX 0382				12/17/2024	"Agreement," between National Center of Neurology and Psychiatry and Nippon Shinyaku Co., Ltd. "regarding Duchenne muscular dystrophy therapeutic agent NS-065/NCNP-01," dated September 20, 2019 (Japanese followed by certified English translation)  [Date: 09/20/2019; Beginning Bates: NS00036928; End Bates: NS00036934]
	PTX 0398				12/17/2024	Email thread between m.toda@po.nippon-shinyaku.co.jp and Matthew Gall @Sarepta.com (cc Bo Cumbo, s.morimura), Subject "RE: Status of Discussions" sent November 4 and 30, 2015 (English)  [Date: 11/30/2015; Beginning Bates: SRPT-VYDS-0222958; End Bates: SRPT-VYDS-0222959]
	PTX 0400				12/17/2024	Email thread between m.toda@po.nippon-shinyaku.co.jp and Matthew Gall @Sarepta.com (cc mgall), Subject "RE: Sarepta and Nippon Shinyaku" sent September 19 and 26, 2017 and October 3, 6, 7 and 13, 2017 (English)  [Date: 10/13/2017; Beginning Bates: SRPT-VYDS-0222796; End Bates: SRPT-VYDS-0222801]
	PTX 0402				12/17/2024	Email thread between m.toda@po.nippon-shinyaku.co.jp and Matthew Gall @Sarepta.com, Subject "RE: [EXTERNAL] Re: Sarepta Connection" dated October 17, 26, 27 and 29, 2018 (English)  [Date: 10/29/2018; Beginning Bates: SRPT-VYDS-0222970; End Bates: SRPT-VYDS-0222972]
	PTX 0428				12/18/2024	"Development of muscular dystrophy therapeutics, Select Antisense Array to Skip Exon53" presentation deck (metadata date created 5/12/2009, date modified 7/8/2009) (certified English translation)  [Date: 07/08/2009; Beginning Bates: NS00061808; End Bates: NS00061819]
	PTX 0429				12/17/2024	"Weekly Report (07/23/09 to 07/29/09) Sato" (metadata date created 7/30/2009, date modified 7/30/2009) (Japanese)  [Date: 07/30/2009; Beginning Bates: NS00060995; End Bates: NS00060995]

**EXHIBIT AND WITNESS LIST – CONTINUATION**

JTX NO.	PTX NO.	DTX NO.	DATE OFFERED	OBJECTIONS	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
	PTX 0430				12/17/2024	"Weekly Report (07/23/09 to 07/29/09) Sato" (metadata date created 7/30/2009, date modified 7/30/2009) (certified English translation)  [Date: 07/30/2009; Beginning Bates: NS00060995; End Bates: NS00060995]
	PTX 0466				12/16/2024	Email message from Jeremy Wright to Brian Forsa, Dallan Murray, Dan Madden, Doug Ingram, Ian Estepan, Joe Bratica, Maria Tornsen, Melinda Hurley, Michael O'Neil, Patrick Moss, Subject "Weekly Sales Summary 1/8/2021" attaching "VYONDYS 53 Weekly Sales Summary 2020," Weekly Sales Summary 01.08.2021.pdf, January 12, 2021  [Date: 01/12/2021; Beginning Bates: SRPT-VYDS-0219638; End Bates: SRPT-VYDS-0219647]
	PTX 0476				12/16/2024	WO 2010/048586 A1  [Date: 04/29/2010; Beginning Bates: SRPT-VYDS-0228276; End Bates: SRPT-VYDS-0228437]
	PTX 0477				12/16/2024	WIPO International Publication Number WO 2011/057350 A1, International Application No. PCT/AU20 20/00 1520, Wilton et al., "Antisense Molecules and Methods for Treating Pathologies," International Publication Date May 19, 2011  [Date: 05/19/2011; Beginning Bates: SRPT-VYDS-0228438; End Bates: SRPT-VYDS-0228539]
	PTX 0493				12/18/2024	Email chain from Masaya Toda to Bo Cumbo (cc Cheryl Roegner, M. Umehara) Subject: "RE: Cell Phone Number & Meeting room; to Sarepta from Nippon Shinyaku" and "Introduction" with Attachment "150106_Nippon Shinyaku_Corporate profile.pdf" November 20, 2014 - January 8, 2015  [Date: 01/08/2015; Beginning Bates: SRPT-VYDS-0222226; End Bates: SRPT-VYDS-0222264]
	PTX 0759				12/16/2024	Popplewell, Linda, et al. "Design of Phosphorordiamidate Morpholino Oligomers (PMOs) for the Induction of Exon Skipping of the Human DMD Gene," Muscular Therapy (2009) 17(3): 554-561  [Date: 03/01/2009; Beginning Bates: SRPT-VYDS-0008344; End Bates: SRPT-VYDS-0008355]
	PTX 0765				12/16/2024	Wilton, Steve D., et al. "Antisense Oligonucleotide-Induced Exon Skipping Across the Human Dystrophin Gene Transcript," Molecular Therapy 15.7 (2007): 1288-1296  [Date: 01/01/2007; Beginning Bates: SRPT-VYDS-0007603; End Bates: SRPT-VYDS-0007615]

JTX NO.	PTX NO.	DTX NO.	DATE OFFERED	OBJECTIONS	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
	PTX 0806				12/16/2024	Clemens, Paula R., et al. "Efficacy and Safety of Viltolarsen in Boys With Duchenne Muscular Dystrophy: Results From the Phase 2, Open-Label, 4-Year Extension Study." J Neuromuscul Dis. 2023;10(3):439-447. doi: 10.3233/JND221656. PMID: 37005891; PMCID: PMC10200237  [Date: 05/02/2023; Beginning Bates: SRPT-VYDS-0229855; End Bates: SRPT-VYDS-0229863]
	PTX 1014				12/16/2024	U.S. Patent No. 9,079,934 B2  [Date: 07/14/2015; Beginning Bates: NS00154329; End Bates: NS00154391]
	PTX 1018				12/18/2024	U.S. Patent Application No. 14/776,533  [Date: 03/14/2014; Beginning Bates: SRPT-VYDS-0020871; End Bates: SRPT-VYDS-0021539]
	PTX 1113				12/18/2024	U.S. Patent Application No. 14/776,533 Office Action Response  [Date: 08/28/2017; Beginning Bates: SRPT-VYDS-0089321; End Bates: SRPT-VYDS-0089352]
	PTX 1114				12/18/2024	U.S. Patent Application No. 14/776,533 Office Action Response  [Date: 12/14/2018; Beginning Bates: SRPT-VYDS-0089151; End Bates: SRPT-VYDS-0089188]
	PTX 1118				12/16/2024	N. Watanabe, et al. "NS-065/NCNP-01: An Antisense Oligonucleotide for Potential Treatment of Exon 53 Skipping in Duchenne Muscular Dystrophy." Molecular Therapy: Nucleic Acids 13:442-449 (2018) and Supplemental Information  [Date: 12/13/2018; Beginning Bates: SRPT-VYDS-0229611; End Bates: SRPT-VYDS-0229620]
	PTX 1123				12/16/2024	Arechavala-Gomez, V. et al., "Comparative Analysis of Antisense Oligonucleotide Sequences for Targeted Skipping of Exon 51 During Dystrophin Pre-mRNA Splicing in Human Muscle," 18(9) Human. Gene Ther. 798-810 (September 2007)  [Date: 09/01/2007; Beginning Bates: SRPT-VYDS-0009069; End Bates: SRPT-VYDS-0009085]
	PTX 1128				12/17/2024	University of Western Australia v. Academisch Ziekenhuis Leiden, Interference No. 106,007, UWA Motion 1 (PTAB Nov. 18, 2014)  [Date: 11/18/2014; Beginning Bates: NONE; End Bates: NONE]
	PTX 1288				12/16/2024	Basic Business Agreement between Nippon Shinyaku Co., Ltd. and Ajinomoto Healthy Supply Co., Inc.  [Date: 08/20/2014; Beginning Bates: NS00091066; NS00073467; End Bates: NS00091090 NS00073478]



**EXHIBIT AND WITNESS LIST – CONTINUATION**

JTX NO.	PTX NO.	DTX NO.	DATE OFFERED	OBJECTIONS	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
	PTX 1289				12/16/2024	Commercial Packaging Agreement between Nippon Shinyaku Co., Ltd. and Anderson Brecon Inc.  [Date: 07/17/2019; Beginning Bates: NS00065881; End Bates: NS00065910]
	PTX 1290				12/16/2024	Basic Ordering Agreement between Nippon Shinyaku Co., Ltd. and Mitsubishi Logistics Corporation (Japanese followed by certified English translation)  [Date: 01/25/2021; Beginning Bates: NS00065911; NS00090914; End Bates: NS00065916; NS00090926]
	PTX 1291				12/16/2024	Outsourcing Agreement for the Manufacture of Investigational New Drug between Nippon Shinyaku Co., Ltd. and Fuji Yakuhin Co., Ltd. (Japanese followed by certified English translation)  [Date: 07/06/2012; Beginning Bates: NS00073402; NS00090927; End Bates: NS00073408; NS00090941]
	PTX 1292				12/16/2024	Basic Manufacturing Agreement between Nippon Shinyaku Co., Ltd. and Fuji Yakuhin Co., Ltd. (Japanese followed by certified English translation)  [Date: 09/09/2019; Beginning Bates: NS00073409; NS00090942; End Bates: NS00073418; NS00090962]
	PTX 1293				12/16/2024	Outsourcing Agreement for the Manufacture of Investigational New Drugs between Nippon Shinyaku Co., Ltd. and Fuji Yakuhin Co., Ltd. (Japanese followed by certified English translation)  [Date: 10/06/2014; Beginning Bates: NS00073419; NS00090963; End Bates: NS00073425; NS00090977]
	PTX 1296				12/16/2024	Basic Agreement Pertaining to the Outsourcing of Manufacturing for NS-065 between Nippon Shinyaku Co., Ltd., Ajinomoto Bio-Pharma, and Ajinomoto Co., Inc. (Japanese followed by certified English translation)  [Date: 08/30/2019; Beginning Bates: NS00073428; NS00090984; End Bates: NS00073441; NS00091012]
	PTX 1297				12/16/2024	Manufacturing Entrustment Basic Agreement between Nippon Shinyaku Co., Ltd. and Fujimoto Chemicals Co., Ltd. (Japanese followed by certified English translation)  [Date: 10/19/2018; Beginning Bates: NS00073442; NS00091013; End Bates: NS00073450; NS00091031]



**EXHIBIT AND WITNESS LIST – CONTINUATION**

JTX NO.	PTX NO.	DTX NO.	DATE OFFERED	OBJECTIONS	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
	PTX 1298				12/16/2024	Basic Manufacturing Outsourcing Agreement between Nippon Shinyaku Co., Ltd. and Fujimoto Chemicals Co., Ltd. (Japanese followed by certified English translation)  [Date: 07/12/2018; Beginning Bates: NS00073451; NS00091032; End Bates: NS00073459; NS00091050]
	PTX 1299				12/16/2024	Trial Drug Manufacturing Outsourcing Agreement between Nippon Shinyaku Co., Ltd. and Fuji Yakuhin Co., Ltd. (Japanese followed by certified English translation)  [Date: 02/13/2017; Beginning Bates: NS00073460; NS00091051; End Bates: NS00073466; NS00091065]
	PTX 1301				12/16/2024	Memorandum of Revisions regarding "Standard Agreement regarding Contract Manufacturing of NS-065" between Nippon Shinyaku Co., Ltd. and GeneDesign Inc. and Ajinomoto Co., Inc. (Japanese)  [Date: 09/02/2022; Beginning Bates: NS00091106; End Bates: NS00091112]
	PTX 1619				12/17/2024	NS Pharma Final Royalty Rate of Viltepso for Calendar Year 20203  [Date: 02/14/2024; Beginning Bates: NS00156941; End Bates: NS00156941]
	PTX 1734				12/17/2024	Email thread between Francesco Muntoni and Steve Wilton, Subject: "Antisense" sent 04/20/2006  [Date: 04/20/2006; Beginning Bates: WILTON0026387; End Bates: WILTON0026388]
	PTX 1739				12/17/2024	Advance Pricing Agreement between NS Pharma, Inc. and The Internal Revenue Service, effective March 27, 2024  [Date: 03/27/2024; Beginning Bates: NS00156946; End Bates: NS00156963]
	PTX 1740				12/17/2024	Agreement on Mutual Consultation (Notice), dated December 1, 2023 (Japanese followed by certified English translation)  [Date: 12/01/2023; Beginning Bates: NS00156964; End Bates: NS00156972]
	PTX 1762				12/16/2024	Supplemental Financial Document: Native Excel Workbook, four worksheets: "Commerical_20, Commerical_21, Commercial_22, Commercial_23, and Commercial_24"  [Date: 08/01/2024; Beginning Bates: NS00157824; End Bates: NS00157824]

**EXHIBIT AND WITNESS LIST – CONTINUATION**

JTX NO.	PTX NO.	DTX NO.	DATE OFFERED	OBJECTIONS	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
	PTX 1763				12/17/2024	Supplemental Financial Document: Viltepso Record of Costs of Shipping to the US (2020 -2024) (Japanese with certified English translation)  [Date: None; Beginning Bates: NS00157825; End Bates: NS00157825]
	PTX 1765				12/18/2024	Supplemental Financial Document: Sarepta's updated financial production - Native spreadsheet with tabs: (1) Vyondys Summary; and (2) Commercial Spend Detail  [Date: None; Beginning Bates: SRPT-VYDS-0247660; End Bates: SRPT-VYDS-0247660]
	PTX 1819				12/17/2024	Freier, et al., The ups and downs of nucleic acid duplex: structure-stability studies on chemically-modified DNA:RNA duplexes, Nucleic Acids Research, Vol. 25, No. 22, 4429-4443 (1997)  [Date: 10/01/1997; Beginning Bates: NS00157809; End Bates: NS00157823]
	PTX 1826				12/17/2024	Email thread between M. Wood, G. Dickson, and F. Muntoni regarding Exon 53 deep screening  [Date: 03/12/2011; Beginning Bates: WILTON0018486; End Bates: WILTON0018491]
	PTX 1835				12/16/2024	Harper et al., "Safety and efficacy of viltolarsen in ambulatory and nonambulatory males with Duchenne muscular dystrophy," Scientific Reports 14:23488 (2024)  [Date: 10/08/2024; Beginning Bates: NONE; End Bates: NONE]
						Abbie Adams (By Deposition)
						Donald Foy
						Dr. Michelle Hastings
						Dr. Leslie Magnus
						Amy Mandragouras (By Deposition)
						Paul Shanahan (By Deposition)
						Kazuchika Takagaki
						Dr. Shin'ichi Takeda
						Masaya Toda
						Naoki Watanabe
						Dr. Matthew Wood

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

NIPPON SHINYAKU CO., LTD.,  
Plaintiff,

v.

SAREPTA THERAPEUTICS, INC.,  
Defendant.

SAREPTA THERAPEUTICS, INC. and THE UNIVERSITY OF  
WESTERN AUSTRALIA,  
Defendant/Counter-Plaintiffs,

v.

NIPPON SHINYAKU CO., LTD. and NS PHARMA, INC.,  
Plaintiff/Counter-Defendants.

EXHIBIT AND WITNESS LIST

JURY TRIAL PHASE II

Case Number: 21-cv-01015 (JLH)

PRESIDING JUDGE: Judge Jennifer L. Hall	PLAINTIFF'S COUNSEL Amy M. Dudash	COURT REPORTER Bonnie Archer (Jury Selection) Jennifer Guy (Mon/Tues) Kim Bursner (Thurs) Brian Gaffigan (Wed/Fri)
TRIAL DATE(S) December 16, 2024-December 20, 2024	DEFENDANT'S COUNSEL Jack B. Blumenfeld Rodger D. Smith II Megan E. Dellinger	COURTROOM DEPUTY Tyler Koehler

JTX NO.	PTX NO.	DTX NO.	DATE OFFERED	OBJECTIONS	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
	PTX 1867				12/20/24	Second Supplemental Rebuttal Expert Report of Mark J. Hosfield Exhibit 3 Schedule 1-2 [Date: 11/12/2024; Beginning Bates: NONE; End Bates: NONE]
	PTX 1868				12/20/24	Second Supplemental Rebuttal Expert Report of Mark J. Hosfield Exhibit 4 [Date: 11/12/2024; Beginning Bates: NONE; End Bates: NONE]
	PTX 1869				12/20/24	Second Supplemental Rebuttal Expert Report of Mark J. Hosfield Exhibit 5 Schedule 1-2 [Date: 11/12/2024; Beginning Bates: NONE; End Bates: NONE]
						Mark J. Hosfield

## UNITED STATES DISTRICT COURT

## DISTRICT OF DELAWARE

Nippon Shinyaku Co., Ltd.

v.

Sarepta Therapeutics, Inc.

## EXHIBIT AND WITNESS LIST

Case Number: 21-1015 (JLH)

PRESIDING JUDGE: Judge Jennifer L. Hall	PLAINTIFF'S COUNSEL Amy M. Dudash	COURT REPORTER Stacy Ingram
TRIAL DATE(S) December 16-20, 2024	DEFENDANT'S COUNSEL Rodger Smith Megan E. Dellinger	COURTROOM DEPUTY Tyler Koehler

JTX NO.	PTX NO.	DTX NO.	DATE OFFERED	OBJECTIONS	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESS
		DTX-0038			12/18/2024	Research Report - Selection of PMO Sequence for Exon 53 SKIP-NMD Grant# 305370
		DTX-0042			12/18/2024	Email from D. Frank to L. Cowan and R. Bestwick RE: RHUL Exon 53 recommended top sequences
		DTX-0061			12/15/2024	Highlights of Prescribing Information for Vyondys 53 (Revised 2/2021)
		DTX-0104			12/18/2024	Letter from G. Zisimatos to C. Edlin RE: FP7 Call for Proposals Grant Agreement No.: HEALTH-F4-2012-305370 Acronym: SKIP-NMD
		DTX-0123			12/17/2024	Laboratory Notebook of Jiminy Synthesis Runs Number 5 (505-617)
		DTX-0124			12/17/2024	Collins 3880 Account Book - Abbie Fall Human Book 1 - May 04 - June 05
		DTX-0126			12/17/2024	Collins 3880 Account Book - Abbie Fall Human Book 2 - June 05 - Feb 06
		DTX-0138			12/18/2024	Exclusive License Agreement between The University of Western Australia and AVI BioPharma, Inc.
		DTX-0139			12/18/2024	Amended and Restated Exclusive License Agreement between The University of Western Australia and Sarepta Therapeutics
		DTX-0141			12/18/2024	License Agreement between Sarepta Therapeutics, Inc. and Sarepta International C.V. and BioMarin Netherlands BV and BioMarin Technologies BV
		DTX-0144			12/18/2024	Non-Exclusive License Agreement between Royal Holloway and Bedford New College and Sarepta Therapeutics, Inc.
		DTX-0149			12/18/2024	Email from J. Zenkus to M. Today RE: Draft note to NS
		DTX-0154			12/18/2024	Overview of Patient Services and Market Access Strategy, NS Pharma Presentation
		DTX-0199			12/16/2024	Selective Antisense Array to Skip Exon53
		DTX-0200			12/16/2024	Certified english translation of Selective Antisense Array to Skip Exon53
		DTX-0222			12/16/2024	Email from Y. Washikita to A. Matsuura; T. Kyoi; M. Matsuoka; M. Hattori; H. Mukai; A. Nakamura; S. Ochi; H. Nishida; K. Kuwabara; S. Mitawaki; K. Kameyama; E. Doi; T. Ohgi; M. Tanaka; K. Mori; Y. Maruyama; T. Asaki; T. Harabe; T. Fujii; Y. Shirouchi; H. Fukui; S. Watanabe; K. Nonaka; S. Hayashi; S. Ishibashi; Y. Yamashita; K. Nawa; S. Sonoke; K. Takagaki RE: Drug Discovery Research Liaison Committee (8/17) Sending notes and attachment '090817 Drug Discovery Research Liaison Committee Memo.doc'

## EXHIBIT AND WITNESS LIST – CONTINUATION

JTX NO.	PTX NO.	DTX NO.	DATE OFFERED	OBJECTIONS	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESS
		DTX-0223			12/16/2024	Certified English translation of Email from Y. Washikita to A. Matsuura; T. Kyoi; M. Matsuoka; M. Hattori; H. Mukai; A. Nakamura; S. Ochi; H. Nishida; K. Kuwabara; S. Mitawaki; K. Kameyama; E. Doi; T. Ohgi; M. Tanaka; K. Mori; Y. Maruyama; T. Asaki; T. Harabe; T. Fujii; Y. Shirouchi; H. Fukui; S. Watanabe; K. Nonaka; S. Hayashi; S. Ishibashi; Y. Yamashita; K. Nawa; S. Sonoke; K. Takagaki RE: Drug Discovery Research Liaison Committee (8/17) Sending notes and attachment '090817 Drug Discovery Research Liaison Committee Memo.doc'
		DTX-0236			12/16/2024	L. Popplewell et al., Comparative analysis of antisense oligonucleotide sequences targeting exon 53 of the human DMD gene: Implications for future clinical trials, Neuromuscular Disorders 2(2): 102-110 (2010)
		DTX-0238			12/18/2024	E. Hoffman et al., Restoring dystrophin expression in Duchenne muscular dystrophy muscle: Project in exon skipping and stop codon read through, The American Journal of Pathology, 1279(1): 12-22 (2011)
		DTX-0239			12/18/2024	P. Sazani et al., Safety pharmacology and genotoxicity evaluation of AVI-4658, International Journal of Toxicology 29(2): 143-156 (2010)
		DTX-0335			12/18/2024	Mr. Sato's weekly report for August 20 to August 26, 2009
		DTX-0336			12/18/2024	Certified English translation of Mr. Sato's weekly report for August 20 to August 26, 2009
		DTX-0346			12/17/2024	Powerpoint presentation entitled '100729 Kitagawa Watanabe Added.ppt'
		DTX-0347			12/17/2024	Certified English translation of Powerpoint presentation entitled '100729 Kitagawa Watanabe Added.ppt'
		DTX-0404			12/16/2024	Highlights of Prescribing Information, Eteplirsen (Revised: 1/22)
		DTX-0420			12/17/2024	S. Fletcher et al., Dystrophin expression in the mdx mouse after localised and systemic administration of a morpholino antisense oligonucleotide, The Journal of Gene Medicine 8:207-216 (2006)
		DTX-0429			12/17/2024	B. Gebiski et al., Morpholino antisense oligonucleotide induced dystrophin exon 23 skipping in mdx mouse muscle, Human Molecular Genetics 12(15):1801-1811 (2003)
		DTX-0459			12/17/2024	Muscular Dystrophy Association Celebrates FDA Approval of Viltolarsen for Treatment of Duchenne Muscular Dystrophy Amenable to Exon 53 Skipping, MDA Press Release
		DTX-0475			12/18/2024	S. Nelson et al., Emerging genetic therapies to treat Duchenne muscular dystrophy, Current Opinion in Neurology 22:532-538 (2002)
		DTX-0542			12/16/2024	J. Summerton & D. Weller, Morpholino antisense oligomers: design, preparation, and properties, Antisense & Nucleic Acid Drug Development 7:187-195 (1997)
		DTX-0750			12/17/2024	Laboratory Notebook to A. Adams, Human Book 3
		DTX-0810			12/17/2024	Gene Tools Price List, 2005
		DTX-0834			12/17/2024	Laboratory Notebook issued to L. Westcott
		DTX-0837			12/16/2024	M. Aung-Htut et al., Systematic approach to developing splice modulating antisense oligonucleotides, International Journal of Molecular Sciences 20(5030) (2019)
		DTX-0856			12/18/2024	D. Frank et al., Increased dystrophin production with golodirsen in patients with Duchenne muscular dystrophy, Neurology 94(21):e2270-e2282 (2020)
		DTX-1233			12/17/2024	Laboratory Notebook, Abbie Fall, Book No. 4
		DTX-1334			12/18/2024	Curriculum Vitae of S. Dowdy
		DTX-1337			12/18/2024	Curriculum Vitae of S. Nelson
		DTX-1466			12/17/2024	Email from M. Toda to A. Williamson RE: Draft note to NS
		DTX-1634			12/17/2024	AVI BioPharma Presentation entitled 'AVI BioPharma Program in Duchenne Muscular Dystrophy'
		DTX-1635			12/17/2024	Email from K. Kameyama to C. Pohlod RE: AVI BioPharma - JP Morgan Follow-up
		DTX-1640			12/17/2024	Email from M. Takagi to partnering@avibio.com RE: Our interest in the RNA-based drug AVI-4658 (AVI Biopharma)

**EXHIBIT AND WITNESS LIST – CONTINUATION**

JTX NO.	PTX NO.	DTX NO.	DATE OFFERED	OBJECTIONS	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESS
		DTX-1763			12/18/2024	Sarepta Therapeutics Inc. 2021 Intracompany Royalties Report (Acct 419500 Entity 105 Sarepta GL Details)
		DTX-1764			12/18/2024	ST International Holdings Two, Inc. 2021 Intracompany Royalties Report (Acct 419500 Entity 150 Sarepta GL Details)
		DTX-1765			12/18/2024	Sarepta Therapeutics Inc. 2021 Intracompany Royalties Report (Acct 519500 Entity 105 Sarepta GL Details)
		DTX-1766			12/18/2024	ST International Holdings Two, Inc. 2021 Intracompany Royalties Report (Acct 519500 Entity 150 Sarepta GL Details)
		DTX-1777			12/18/2024	Manufacturing and Distribution Agreement by and between Sarepta International C.V. and Sarepta Therapeutics, Inc.
		DTX-1780			12/18/2024	Termination Agreement between ST International Holdings Two, Inc. and Sarepta Therapeutics, Inc.
		DTX-1781			12/18/2024	U.S. License Agreement between Sarepta Therapeutics, Inc. and Sarepta C.V.
		DTX-1782			12/18/2024	U.S. Sublicense Agreement between Sarepta Therapeutics, Inc. and ST International Holdings Two, Inc.
		DTX-1790			12/18/2024	File History for Wilton Patent Application (App. No. 14/316,609 - U.S. Patent 9,024,007)
		DTX-1795			12/18/2024	J. Deere et al., Antisense phosphorodiamidate morpholino oligomer length and target position effects on gene-specific inhibition in escherichia coli, Antimicrobial Agents and Chemotherapy, 49(1):249-255 (2005)
		DTX-1797			12/18/2024	M. Fulco et al., Sir2 regulates skeletal muscle differentiation as a potential sensor of the redox state, Molecular Cell. 12:51-62 (2003)
		DTX-1799			12/18/2024	Gene Tool Website: <a href="https://web.archive.org/web/20051220171348/http://www.genetools.com/node/9">https://web.archive.org/web/20051220171348/http://www.genetools.com/node/9</a>
		DTX-1807			12/18/2024	S. Iezzi et al., Deacetylase inhibitors increase muscle cell size by promoting myoblast recruitment and fusion through induction of follistatin, Developmental Cell, 6:673-684 (2004)